

RECEIVED
CENTRAL FAX CENTER

REMARKS

OCT ' 3 2006

Claims 1-2 are Allowable

The Office has rejected claims 1-2 under 35 U.S.C. 103(a), in paragraphs 5-6 of the Office Action, as being unpatentable over U.S. Patent No. 6,600,788 ("Dick"), in view of prior art referenced in the application and further in view of U.S. Application Pub. No. 2001/0031022 ("Petrus"). Applicants respectfully traverse the rejection.

None of the cited references, including Dick, the prior art specifically referenced in the application, and Petrus, disclose the specific combination of Claim 1. In contrast to Claim 1, Dick discloses a narrow-band filter implemented in a programmable logic device. (Dick, col. 1, ll. 8-11). Dick does not disclose a first FIR filter and a second FIR filter, as recited in Claim 1. Rather, Dick discloses a single FIR filter having two sections for filtering even and odd numbered input samples. (Dick, col. 8, ll. 23-28). Additionally, even if the two sections could be construed as separate filters, Dick does not disclose a first filter section having a first filter order and a second filter having a second filter order that is higher than the first filter order, as recited in Claim 1. Instead, Dick discloses that "Sections 13a and 13b alternately receive re-quantized input samples.... Thus, the sampling rate of each section 13a and 13b has been reduced to one-half that of A/D converter 11." (Dick, col. 8, ll. 28-33). Hence, in contrast to Claim 1, the two sections disclosed by Dick are of equivalent orders. Thus, Claim 1 is allowable.

Further, neither Dick, nor the prior art specifically referenced in the application, nor Petrus, discloses a selection means for selecting one of the first and second FIR filters, where a second FIR filter is selected when a radio receiver is not in use, and a first FIR filter is selected when the radio receiver is in use, as recited in Claim 1. The Office has conceded that neither Dick, nor the prior art specifically referenced in the application, disclose such a selection means, but states that Petrus meets the claim element by disclosing that "a zero-order filter is used to keep the bit error rate at a low level (para. 126)." (Office Action, p. 4). However, Petrus discloses a demodulator having a *single* filter (such as the zero-order filter) to generate a filtered error signal used to adjust a

phase difference. (Petrus, para. 0082, 0089). Petrus does not disclose a selection means for selecting one of a first FIR filter and a second FIR filter based on whether a radio receiver is, or is not, in use, as recited in Claim 1. Thus, Claim 1 is allowable.

Claim 2 depends from Claim 1, which Applicants have shown to be allowable. Hence, the asserted combination of Dick, Petrus, and prior art specifically referenced in the application, fails to disclose each and every element of Claim 2, at least by virtue of its dependency from Claim 1.

Claim 3 is Allowable

The Office has rejected claim 3 under 35 U.S.C. 103(a), in paragraph 7 of the Office Action, as being unpatentable over Dick in view of Petrus, the prior art specifically referenced in the application, and further in view of U.S. Application Pub. No. 2004/0037371 ("Brennan"). Applicants respectfully traverse the rejection.

As explained previously, neither Dick, nor the prior art specifically referenced in the application, nor Petrus disclose each and every element of Claim 1. Brennan does not disclose the elements of Claim 1 that are not disclosed by Dick, Petrus, and the prior art specifically referenced in the application. Claim 3 depends from Claim 1, which Applicants have shown to be allowable. Hence, the asserted combination of Dick, Petrus, Brennan, and prior art specifically referenced in the application, fails to disclose each and every element of Claim 3, at least by virtue of its dependency from Claim 1.

Claims 4 and 5 are Allowable

Applicants have added new claims 4 and 5. These claims are fully supported by the disclosure and require no changes or additions to the list of inventors in the application. Moreover, Applicants submit that claims 4 and 5 are allowable, at least by virtue of their dependency from claim 1, which Applicants have shown to be allowable.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance and respectfully requests that the Examiner reconsider the application and issue a Notice of Allowance for all pending claims. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

10-13-06
Date

Chad M. Herring
Chad M. Herring, Reg. No. 41,067
Attorney for Applicant(s)
TOLER SCHAFFER, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5575 (fax)